

1 FERDIE F. FRANKLIN, State Bar No. 61165
ffranklin@wfbm.com

2 WFBM, LLP
3 601 Montgomery Street, Ninth Floor
San Francisco, California 94111-2612
4 Telephone: (415) 781-7072
Facsimile: (415) 391-6258

5 Attorneys for Defendant,
THOMAS E. FRANCIS, M.D.

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8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION**

10
11 RICHARD SUTHERLAND as assignee
of NIGEL ALLEN, et al.,

12 Plaintiff,

13 v.

14 THOMAS E. FRANCIS,
15 Defendant.
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Case No. 5:12-CV-05110 LHK

**STIPULATION TO DISMISS CASE;
[PROPOSED] ORDER**

Hon.: Lucy H. Koh

Complaint filed: 10/02/2012
Trial Date: 10/16/2017

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19 The undersigned, as counsel for the parties in this case, hereby acknowledge
20 and stipulate that their respective clients have settled this matter and the case may
21 now be dismissed, with prejudice, in its entirety, all parties to bear their own fees
22 and costs.

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WALSWORTH
601 MONTGOMERY STREET, NINTH FLOOR
SAN FRANCISCO, CALIFORNIA 94111-2612
TEL (415) 781-7072 • FAX (415) 391-6258

1 SO STIPULATED.

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3 Dated: July 27, 2016

WFBM, LLP

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6 By:

Ferdie Franklin

FERDIE F. FRANKLIN

Attorneys for Defendant,

THOMAS E. FRANCIS, M.D.

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10 Dated: July 27, 2016

LAW OFFICES OF MARK W. LAPHAM

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13 By:

/s/ Mark W. Lapham

MARK W. LAPHAM

Attorneys for Plaintiffs,

RICHARD SUTHERLAND

and ANTHONY MALFALTI

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17 **ORDER**

18 Based on the stipulation of the parties, this case is hereby dismissed, in its
19 entirety, with prejudice, and all parties are to bear their own costs and fees.

20 The Clerk shall close the case file.

21 IT IS SO ORDERED.

22 DATE: July 28, 2016

Lucy H. Koh

23 Hon. Lucy H. Koh, Judge
24 United States District Court
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1 **PROOF OF SERVICE**

2 **STATE OF CALIFORNIA, COUNTY OF ORANGE**

3 At the time of service, I was over 18 years of age and not a party to this
4 action. I am employed in the County of Orange, State of California. My business
address is One City Boulevard West, Fifth Floor, Orange, CA 92868-3677.

5 On July 27, 2016, I served true copies of the following document(s) described
6 as **STIPULATION TO DISMISS CASE; AND [PROPOSED] ORDER** on the
interested parties in this action:

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9 **BY CM/ECF NOTICE OF ELECTRONIC FILING:** I electronically filed
10 the document(s) with the Clerk of the Court by using the CM/ECF system.
11 Participants in the case who are registered CM/ECF users will be served by the
CM/ECF system. Participants in the case who are not registered CM/ECF users will
12 be served by mail or by other means permitted by the court rules.

13 I declare under penalty of perjury under the laws of the United States of
America that the foregoing is true and correct and that I am employed in the office
14 of a member of the bar of this Court at whose direction the service was made.

15 Executed on July 27, 2016, at Orange, California.

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17 Roberta Averill